



1 District Court, Northern District, 280 South First Street, Fourth Floor, San Jose, California.  
2 Vincent Hurley appeared for the moving Defendants; Benjamin Nisenbaum appeared for the  
3 Plaintiffs.

4 Having read and considered the motion to dismiss, supporting memorandum, any  
5 opposition filed, and having heard argument of counsel, and good cause appearing therefor,

6 IT IS ORDERED that Defendants' motion to dismiss is GRANTED. The following  
7 claims and prayers for relief are hereby dismissed without leave to amend pursuant to Federal  
8 Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted:

9 1) Plaintiffs' claims for violation of rights pursuant to 42 U.S.C. § 12132 as alleged  
10 in the third cause of action;

11 2) Plaintiffs' prayer for punitive damages against the City of Monterey on page 9,  
12 line 5, number (3) of the complaint.

13 The moving Defendants shall file their responsive pleading within 21 days of the date of  
14 this order.

15 Dated: \_\_\_\_\_  
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17 \_\_\_\_\_  
18 United States Magistrate Judge  
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